

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday November 30, 2018
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Appeal Meeting of October 19, 2018, were considered for approval.

Chairman Liotta presented the minutes of the October 19, 2018, Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the October 19, 2018 Meeting.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

James E. Dunlap v. MITF, File # CM2015-08328XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant. Michael Fagan represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to continue this case.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: CASE CONTINUED

Ralph B. Osborn v. Hillcrest Hospital South & AHS Hillcrest Healthcare System LLC (Own Risk #19651), File #CM2017-01260L

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant and Daniel C. Blanchard represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Billy J. Schmidt v. MITF, File #CM2016-02288JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant and Michael Fagan represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Robert G. Privette v. Jump Towing & Recovery LLC & Great Midwest Insurance Co., File #CM2017-01926H

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Timothy S. Reese Represented the Claimant and R. Jay McAtee represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Katina Ann Dieng v. Great Plains Coca Cola Bottling Co.,(Own Risk #17344), File #CM2017-03839J

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Katina Ann Dieng represented herself. Katherine Lee represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Tyler Henderson v. City of Tulsa (Own Risk #10435), File #CM2017-03933A

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Michael R. Green represented the Claimant and Travis R. Colt represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

C. Commission Consideration of Adoption of Final Order in the Following Cases:

Thomas Williamson Hughes v. LDF Sales & Distributing Inc. & Charter Oak Fire Insurance Co., File #CM2017-04427F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Micah Felton represented the Claimant and Bradley D. Avey represented the Respondent.

This case came on for Oral Argument on October 19, 2018. After reviewing the record hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judge's order and instructed Appellate Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law for consideration at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to adopt the proposed order

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

Marcus McDonald v. Kelvion Inc. FKA GEA Heat Exchangers Inc. (OWN RISK #17805), File # CM2014-09940A

Respondent and Claimant both filed an appeal from the order issued by Administrative Law Judge Lawyer. Micah Felton is the attorney of record for the Claimant. Steven K. Bunting is the attorney of record for the Respondent.

This case came on for Oral Argument on September 21, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to adopt the proposed order..

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

Matthew Penderson v. City of Tulsa (Own Risk #10435) File #CM2017-07906H

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Darrel Paul represented the Claimant and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on October 19, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to continue the matter for consideration at a future meeting.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: CONTINUED

Jesse Easter v. McCartney Welding LLC, & CompSource Mutual Ins Co., (FKA CompSource Oklahoma) File #CM2017-06877X

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. James G. Devinney is the attorney of record for the Claimant and M. Dan Caldwell is the attorney of record for the Respondent.

Respondent filed a Motion to Stay Appellate Proceedings on September 7, 2018. A proposed order granting Respondent's motion has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to adopt the proposed order.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

D. Announcements

Commission's next special business meeting is Thursday, December 7, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, January 25, 2019.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 11:30 a.m.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.